



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,036	07/12/2001	Jonathan J. Hull	015358-006000US	2402

20350 7590 11/01/2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BLACK, LINH

ART UNIT PAPER NUMBER

2163

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,036

Applicant(s)

HULL ET AL.

Examiner

LINH BLACK

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the Applicants' Arguments dated 8/14/2006.

Claims 1-44 are pending in the application. Claims 1, 14, 15, 28-29, and 42 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (US 6820094).

As per claim 1, Ferguson et al. teach

identifying **at least** a first section of the first document; extracting a first set of one or more information objects from the first section of the first document, the first set of information objects comprising at least a first information object comprising information of a first type, wherein the first information object **is one of** an audio object, a video object, or an image object – col. 1, line 63 to col. 2, line 29 (indexes, categorizes and

Art Unit: 2163

stores a wide range of document types...extracting attribute data from the document; and generating a data structure for the document, the data structure contains the attribute data in a standardized format...); col. 3, lines 21-44 (document containing graphical image data); col. 6, lines 25-32; col. 8, lines 22-44 (extract category criteria (i.e., the key words and/or attributes)).

processing information objects in the first set of information objects and information objects in a second set of information objects to determine a degree of relevancy information indicating the relevancy of information objects in the second set of information objects to information objects in the first set of information objects, wherein the second set of information objects comprises at least one information object comprising information of a second type, wherein the second type is different from the first type, and wherein determining the degree of relevancy information comprises determining a degree of relevancy of the at least one information object to the first information object from the first set of information objects – col. 1, line 64 to col. 4, line 3; col. 3, line 59 to col. 4, line 29 (text object from the first document – second type – text is different from image, the first data type); col. 8, lines 22-44; col. 13, line 52 to col. 14, line 10; table 1 – col. 19 (relevance scores).

selecting a third set of one or more information objects from information objects in the second set of information objects based upon the degree of relevancy information determined for information objects in the second set of information objects, wherein

information objects in the third set of information objects store information to be output to the user when the first document is being displayed to the user – col. 11, lines 55-65; col. 13, line 52 to col. 14, line 17.

As per claim 2, Ferguson et al. teach wherein the first section of the first document corresponds to a section of the first document displayed to the user, wherein the section of the first document displayed to the user is less than the entire first document – col. 5, lines 45-40; col. 7, lines 22-47; col. 11, lines 22-35.

As per claim 3, Ferguson et al. teach wherein the first section of the first document corresponds to the entire first document – col. 14, line 63 to col. 15, line 29.

As per claim 4, Ferguson et al. teach for each information object in the first set of information objects: identifying a type of the information object based upon contents of the information object; determining a first content recognition technique based upon the type of the information object; applying the first content recognition technique to the information object to determine information related to the contents of the information object – col. 4, lines 24-28.

Ferguson et al.'s teaching can extract information/content attributes from digital objects and categorize digital objects of different types (shown in claim 1), thus, it is

Art Unit: 2163

inherent that Ferguson et al.'s teaching including appropriate technique to extract information from objects and to categorize objects accordingly.

As per claim 5, Ferguson et al. teach determining the degree of relevancy information for different types of objects – col. 1, line 64 to col. 4, line 3; col. 3, line 59 to col. 4, line 6; col. 8, lines 22-44; col. 13, line 52 to col. 14, line 10; table 1 – col. 19 (relevance scores). Thus, it is inherent that Ferguson's teaching have techniques to generate the relevancy scores for each different types of objects. Ferguson et al. teach displaying the most relevant result set to the users – col. 13, lines 52-67.

As per claims 6-7, Ferguson et al. teach calculating the degree/level of relevancies - col. 1, line 64 to col. 4, line 3; col. 3, line 59 to col. 4, line 6; col. 8, lines 22-44; col. 13, line 52 to col. 14, line 10; table 1 – col. 19 (relevance scores above a threshold value).

Ferguson et al. teach determining the type of objects – col. 4, lines 24-28; extracting information from objects - – col. 1, line 63 to col. 2, line 29; col. 6, lines 25-32; col. 8, lines 22-44. Ferguson et al.'s teaching can extract information/content attributes from digital objects and categorize digital objects of different types (shown in claim 1), thus, it is inherent that Ferguson et al.'s teaching including appropriate technique to extract information from objects and to categorize objects accordingly.

As per claims 8-9, Ferguson et al. teach

Art Unit: 2163

determining a set of one or more concepts of interest to the user – col. 5, lines 15-40. Ferguson et al. teach different document types' content information are extracted and used to categorize the documents – col. 1, line 63 to col. 2, line 29; col. 6, lines 25-32; col. 8, lines 22-44. Ferguson et al. teach calculating the degree/level of relevancies for documents/files - col. 1, line 64 to col. 4, line 3; col. 3, line 59 to col. 4, line 6; col. 8, lines 22-44; col. 13, line 52 to col. 14, line 10; table 1 – col. 19 (relevance scores above a threshold value); identifying the type of the objects – col. 4, lines 24-28. Thus, it is inherent that Ferguson et al. teach the comparison technique that allows the comparison between different types of objects for calculating the relevancy scores.

As per claim 10, Ferguson et al. teach

wherein information objects in the third set of information objects store information to be output to the user when the first document is being displayed to the user – col. 11, lines 55-65; col. 13, line 52 to col. 14, line 17.

(the third set of objects to be displayed to users is the most relevant documents that meet the criteria set forth above – col. 13, line 51 to col. 14, line 10).

As per claims 11-12, Ferguson et al. teach a web browser and a web page – col. 6, lines 37-67; col. 11, line 20 to col. 12, line 15.

As per claim 13, Ferguson et al. teach displaying document based on the relevancy – col. 13, line 25 to col. 14, line 25; a portion of the relevant document can be displayed –

Art Unit: 2163

col. 5, lines 15-40; col. 7, line 33 to col. 8, line 21; automatically determining the relevancy of documents/objects and portions of objects - col. 1, line 64 to col. 4, line 3; col. 3, line 59 to col. 4, line 6; col. 8, lines 22-44; col. 13, line 52 to col. 14, line 10; table 1 – col. 19 (relevance scores above a threshold value). Thus, as portions of documents/objects are categorized based on the relevancy, the most relevant object(s) will be displayed to users.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. (US 6820094), and further in view of Herz (US 6460036).

As per claim 14, Ferguson et al. teach

identifying **at least** a first section of the first document; extracting a first set of one or more information objects from the first section of the first document, the first set of information objects comprising at least a first information object comprising information of a first type, wherein the first information object is one of an audio object, a video object, or an image object – col. 1, line 63 to col. 2, line 29 (indexes, categorizes and stores a wide range of document types...extracting attribute data from the document;

and generating a data structure for the document, the data structure contains the attribute data in a standardized format...); col. 3, lines 21-44 (document containing graphical image data); col. 6, lines 25-32; col. 8, lines 22-44 (extract category criteria (i.e., the key words and/or attributes); .

processing information objects in the first set of information objects and information objects in a second set of information objects to determine a degree of relevancy information indicating the relevancy of information objects in the second set of information objects to information objects in the first set of information objects, wherein the second set of information objects comprises at least one information object comprising information of a second type, wherein the second type is different from the first type, and wherein determining the degree of relevancy information comprises determining a degree of relevancy of the at least one information object to the first information object from the first set of information objects – col. 1, line 64 to col. 4, line 3; col. 3, line 59 to col. 4, line 29 (text object from the first document – second type – text is different from image, the first data type); col. 8, lines 22-44 (score and rank the relevancy); col. 13, line 52 to col. 14, line 10 (level of relevance); table 1 – col. 19 (relevance scores).

selecting a third set of one or more information objects from information objects in the second set of information objects based upon the degree of relevancy information determined for information objects in the second set of information objects, wherein

information objects in the third set of information objects store information to be output to the user when the first document is being displayed to the user – col. 11, lines 55-65; col. 13, line 52 to col. 14, line 17.

However, Ferguson et al. do not explicitly suggest that first object(s) are of the content providers'. Herz teaches system and method for providing customized electronic newspapers and target advertisements – the title; retrieve new document from document store; calculate document profiles, cluster documents into a hierarchical cluster; generate labels for each cluster – fig. 5; col. 56, lines 30-67; relevance weight – fig. 12; network vendor/ provider – fig. 16; col. 31, lines 35-47. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ferguson et al.'s teaching and Herz's teaching in order to determine the relevancy of content providers' documents comparing to users' interaction/view file to better provide users the most desired or relevant search results.

Claims 15-44 claim the same subject matter as of claim 11-14 are rejected based on the same ground of rejection.

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are not persuasive. Regarding the Applicants' argument on page 23 first paragraph that Ferguson is silent as to how the level of relevance is associated with category criteria,

thus, does not teach nor suggest “processing information objects in the first set of information objects and information objects in a second set of information objects to determine a degree of relevancy information”, Examiner disagrees. The first set of ONE or more information objects is extracted and categorized based on the relevancy, also for the second set of ONE or more objects as showed in columns and line above.

Regarding the Applicants’ argument that Furguson fails to teach the limitation “selecting a third set of **ONE** or more information objects from information objects in the second set of information objects based upon the degree of relevancy information determined for information objects in the second set of information objects, wherein information objects in the third set of information objects store information to be output to the user when the first document is being displayed to the user”, Examiner disagrees. Based on the level of relevancy of at least one of the second document type objects after the user’s search query, the user can view the identified documents as small icons, large icons, thumbnails or as a detailed list of documents which Examiner interprets as the third set of ONE or more information to be output to the user – col. 13, lines 40-67 in which each of the one or more smart folders has category criteria associated with a particular level of relevance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2163

April 3, 2006

Leslie Wong
Primary Examiner